

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1643 of 2024

Arising Out of PS. Case No.-220 Year-2020 Thana- CHANDAUTI District- Gaya

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CICL (Aman Kumar Singh) Son of Sanjay Singh @ Sanjay Kumar Singh
Resident of Vill.-Barki Delha, Kalyanpur, P.S.-Delha, Distt.-Gaya, under the
guardianship of his father namely Sanjay Singh @ Sanjay Kumar Singh, Son
of Badri Singh, Resident of vill.- Barki Delha, P.S.- Delha, Distt.-Gaya, at
present resident of Mohalla- Dhaniya Bagicha, P.S.-Delha, Distt.-Gaya

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Aryan Singh, Adv.
For the Respondent/s : Mr. Syed Ashfaque Ahmad, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

7 18-04-2025 This is an application under Section 101(5) of the

Juvenile Justice (Care and Protection of Children) Act, 2015,

challenging legality, validity and propriety of the order, passed

in Criminal Appeal (Juvenile) No. 9 of 2021 (C.I.S.) by the

learned Special Judge (Children Court), Gaya, in connection

with Chandauti P.S. Case No. 220 of 2020, under Sections

395/354(A)/354(B) of the I.P.C. By passing the impugned order,

the appellate court rejected the prayer for bail of the petitioner.

2. As per the prosecution case, it is stated by the

informant that she along with her friend had gone on long drive

on a motorcycle and lost their way. It is stated that some

unknown accused person stopped their motorcycle, misbehaved



with her and also assaulted her friend. Amongst the miscreants, the informant referred two names of one Pappu and Navin being taken by the miscreants.

3. It is contended on behalf of the petitioner that the petitioner was a juvenile on the date of occurrence. He is not named in the F.I.R. He was apprehended only on suspicion. Co-accused persons were granted bail on similar circumstances of this Court in Criminal Revision No. 709 of 2022 and Criminal Miscellaneous No. 23394 of 2023.

4. I have perused the impugned order passed by the learned Special Judge (Children Court), Gaya in Criminal Appeal (Juvenile) No. 9 of 2021 (C.I.S.), it is found from the order that the learned court of appeal failed to appreciate the ratio laid down by this Court in ***Lalu Kumar And Ors. Vrs. The State of Bihar And Ors.***, reported in ***2019 (4) P.L.J.R. 833*** while dismissing the criminal appeal.

5. The learned court of appeal failed to consider the seriousness of offence and there was no basis for the appellate court to conclude that the guardian of the petitioner were not paying proper care and attention and release of the petitioner would expose him to moral, physical and psychological danger. The petitioner remains in detention for about two years. I have



also considered the period of detention in the instant order.

6. Considering all such aspect of the matter, the petitioner is directed to be released from custody in connection with Chandauti P.S. Case No. 220 2020 on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each, one of whom must be one of the parents of the petitioner, to the satisfaction of learned Juvenile Justice Board, Gaya, with further condition that if on bail, the jurisdictional Probation Officer shall remain in touch with the petitioner and submit quarterly report to the learned Juvenile Justice Board, Gaya about the antecedent of the petitioner.

7. If any adverse report is received, the Juvenile Justice Board is at liberty to cancel the order of bail of the petitioner without further reference to this Bench.

8. The instant criminal appeal is allowed by the said order.

(Bibek Chaudhuri, J)

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